G.R.S. 57.] Previous Reference:- Cs 2 173-08 & 1-5 (B)

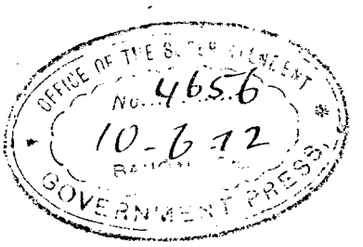
P-87

File No. 35 909

Serial Nos. 1—6

1909-10

GENERAL AND REVENUE SECRETARIAT.



(Legislative)

Part A: Manuscript
for April 1912.

Amendment of the Indian Evidence Act as in force in Mysore with respect to the accounts and other documents relating to the affairs of the Palace.

Serial Nos. 1—6

1. D.O. No. 1672 dated the 2nd Dec. 1910 from Mr. J. Anandarao B.A., B.L., Dewan, to the Hon'ble Colonel Daly C.S.I. C.I.E., Resident in Mysore

Forwards a Copy of the Bill on the subject and states that it will be placed before the Legislative Council in due course.

2.

GPB—5,000—20-3-06.

Dep. No 7528 dated the 2nd Dec 1910 from Mr. R.B. Bamber, I.A. Resident, to J. Ananda Rao Esq B.A. B.L. Dewan.

States that the Resident sees no prima facie objection to the Bill being laid before the Legislative Council.

Letter Pol No 378 of the 2nd Nov 1911 from the Secy Govt, Genl & Rev Depts, to the I.A. Resident in Mysore

Forwards a Copy of the Bill as passed by the Legislative Council with a brief explanation of the amendments thought to be introduced and requests that the sanction of the Govt of India may be obtained for the Bill being passed into law.

Letter No 7298 of the 30th Nov 1911 from the Govt Resident in Mysore to the Dewan.

Conveys the sanction of the Govt of India [illegible] to the usual reservation of power.

Govt order No 12725 of the 16th March 1912 to the Compiler, Mysore Gazette,

Directs him to publish the Bill as Regulation No III of 1912.

Letter No Pol. 870 of the 15th April 1912 from the Secy to Govt Genl & Rev Depts to the Govt Resident in Mysore.

Forwards the usual number of spare copies of the Regulation.

G.R.S. 111

1909-10

GENERAL AND REVENUE SECRETARIAT.

(Legn.)

NOTES.

File No. 35

FILE HEADING.

Amendment of the Evidence Act with respect to the accounts and other documents relating to the affairs of the Palaces

From

No.	Dated	Received

Diary No.	Enclos.	Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

NOTES—First Sheet.

GPB—30,000—12-8-11

Received 6-9

D.O. Bangalore,
5th September

From Mr. F. Fremantle, Mil. Secy & Dewan to Mr. K.S.
Chandrasekhara Aiyar, Secy to Govt, Judicial Dept

The Dewan desires that
the enclosed letter of the 28th ultimo
from the Huzur Secretary and the
Palace file received therewith about
the production in Civil Courts
of Palace accounts &c may be
kindly circulated to Councillor
and the subject brought up
for discussion at the

Next Meeting of Council.

The G. R S file on the subject
is in the Office

I remain,
Yours Sincerely
Thos Ivimey

K S Chandrasekhara Aiyar Esq
Secy to Govt of Mysore
Jud & Rev Depts

Enclosure

D.O. No 126 Dated 1622

D.O. No. 126
1 file

From the

Obly 28. 8. 09.

My dear Sir,

"In forwarding for your information the enclosed Palace file, His Highness desires me to invite your attention to the fact that in spite of the assurance given by the Chief Court, the subordinate courts do not seem to exercise their discretion in

the makers of such applications as they should and are expected to do. The result is that the Palace officer is harassed with vexatious requisitions for production of Palace records and accounts for purposes of evidence in Civil suits between private parties. His Highness would therefore

he obliged of you would keep
kindly his cross the maker
with the chief Judge. with a
view to come satisfactory arrange
ment being come to in the
maker Ak that is asked for
is that the Palace Officer should
be spared the worry of having
taken to Lagos & frivolous
requisitions for the production
of Palace documents in Civil
Courts in Suits to which the
Palace is not party at all

The file may obligingly be returned to me. When done with

Yours Sincerely

C. 53
18. 8. 1910. B

G. R. S. 12]
General and Revenue Secretariat.

Legis File No. 39 of 1909-10

Serial No.

Requisitions by the Civil Courts for Palace papers and documents.

1) Circulated ... B. G. Chandrasekhara Aiyar

2) Seen [illegible] 1909

3) Seen [illegible] 6/9/9

4) Forwarded (unofficially) to the Chief Judge for favour of opinion with reference to the Huzur Secretary's D.O. below (No. 1268 28.8.1909).

U.O. 715 Read 10.9.09

B. Chandrasekhara Aiyar 9-9-09 Legal Asst. 10/9/09.

U.O. 1228 65

3) The action of the Amin is distinctly incorrect. Instead of sending a proper reply to the Officer in charge of the Palace he instructed that he had asked the defendant's advocate to produce certified copies of certain records. These copies even if obtained could not be received in evidence. The attention of the Amin will be drawn to the matter.

15.ix.09 Chief Judge

NOTE—Contn. sheet.

GPB—50,000—13-5-08

Serial No.

1907

6) The chief judge's note may be communicated to the Mayor Secy.

W. S. Chandhuri 16/2/09

7) In the absence of a Regulation declaring that copies of the Palace accounts may be received in evidence, there is little use as the Ch. Judge says, in asking parties to produce certified copies. When the Munsif passed this order, it should be expected that the party would have represented this difficulty and got it amended. The Palace Officer is not by law bound to grant any copies to private parties on application.

8. On the issue of another order as proposed by the Chief Court, it is probable that the Courts would adopt some procedure less likely to throw undue labour on the officials of the Palace Department.

H. Wanchoo 19/9/09

25/98 21.9.09

19/9/09

NOTE—Contn. sheet.

GPB—50,000—13-5-08

Serial No.

9 The subject may be discussed at a meeting of the Palace Cttee, the Legislative Council & myself at 4 p.m. [illegible] Dewan

10 Subject discussed on 20/12/09 - file submitted under [illegible] 21/12/09

11 A note on the matter is suspended. H K Dewan 26/1/10

2644

1 Dewan -

1197

Reg 7 35 9-7-14 (6

Production of Palace Accounts in Court

12. As far as I could understand, the difficulty represented as existing is that requisitions for Papers and accounts are often indefinite, and refer to very long periods, and that where the production of Papers and accounts is sought, of which the production in a Public Court at the instance of private parties, is considered inexpedient.

13. In the matter of indefiniteness in requisitions, the Chief Court seems to have issued an order, which is merely the reiteration of a well understood rule, that a reasonably sufficient description of the documents required should be given in such Summonses. If necessary, the order may be repeated. But that can only go a little way to remedy the alleged difficulty

Leg 7 39 705-20 V

It can be much more effectually obviated by the Palace Officer himself asking for proper particulars to be given. Even a private person cannot be expected to obey the precept of a Court, which does not give all the reasonable information required to ascertain what exactly is wanted of him

14. The procedure of a Court when calling for records & papers from other parties, is to frame the requisition on the Memoranda supplied by the Pffs or deptt in their applications. The Judge is not required to examine such memoranda beforehand and he can hardly have the time to do so. Disputed questions (either between the parties or between ~~the~~ a party and a witness) as to the right to ~~recover~~ require the production of any document or as to its relevance

are decided during the hearing of the Case in regular Course. It is hardly practicable to require that the Judge should do more If the description given by a party is either insufficient, or if it appertains to documents he has no right to ~~produce~~ call for, he takes the risk of the Judge upholding the objection of the witness on this score. Similarly if the witness fails to produce the documents asked for on the score of sufficient description not being given, he takes the risk of the Judge either supporting him or of holding that it was reasonably definite. If the objection is on the score of relevancy alone, the witness is usually bound to produce the documents asked

Leg 7 35/17/05 (9

for and leave it to the Court to admit or reject them

15 On the second question to what extent the records of the Palace should be produced in Courts at the instance of private parties, it is more difficult to devise proper means of obviating the objections raised. The rules of law as it stands at present are ~~the~~ as follows

16. The accounts of the Palace Motikhana or other departments do not fall under the definition of Public document as given in S. 74 of the Evidence Act. No private party is therefore entitled to obtain a certified copy thereof under S. 76, nor would a certified copy be ordinarily admissible as evidence in a Court of law. Parties who wish to rely on entries in these accounts have therefore to s-

the original books. The original entries are inspected and marked as exhibits, but it is not necessary that the books should be left in Court. Even if left, the risk of them being available for every curious outsider to read is not much, as they are secured in the possession of Court officials, who as a rule have themselves ~~no~~ ~~both~~ neither the interest nor the time to indulge in idle curiosity about their contents. Even this however might be minimised by leaving certified copies of the entries marked as exhibits and taking back the book at once under S. 141 A. (Civ. Pr. Cod

17. As for documents and records, which the Palace Officer may not ~~often~~ wish to produce before the Courts on the score of the matter being confidential, it may be assumed

that it is always the fracon desire of His Highness to allow Private Parties who desire to enforce their rights as far as allowed by ~~law between the Subjects~~ by a resort to legal tribunals, ~~and to allow them~~ all reasonable facilities to prove their claims, even when the matters litigated are in respect of dealings with the Palace. The records and documents that are likely to be called for may be divided into three classes; (1) ordinary day book and ledger accounts (2) Petitions, receipts &c presented by the parties dealing with the Palace & (3) Orders on disputed points &c passed ~~by~~ by the Palace authorities concerning any of the matters in litigation

18. No difficulty is likely to arise about the production of Papers of the second class The only trouble caused ~~by them~~

would be that involved in search-
ing for them, which would be
little or great according to the
method ~~according to~~ in which Pa-
pers are filed and preserved
in the Office If the parties do
not give a reasonable descrip-
tion, the Palace Officer would be
quite within his right to de-
cline to produce them. But if
proper description is given, any
trouble that may be caused
would be necessary in the interest
of public justice. These Papers
cannot well be kept back, what-
ever the Consequences of their
production may be to the liti-
gating Parties

13 As for accounts, of Course
those ~~matters~~ that do not appertain
to the matter in Controversy, can-
not be called for by any Court
But if they are called for relev-
antly, the Palace Officer is
bound to produce them, as
the law stands at present

Reg 2 3 97 13

One way of guarding against irrelevant accounts being unavoidably exposed would be to open separate books for record of transactions of a confidential nature. But whether the opening of such books is easy and convenient is a question for the Palace authorities to decide

20. If it is desired to exclude or to minimise the inconvenience of the production of original accounts in Courts, certified extracts of such accounts should be made receivable in evidence by legislation, as has been done in the case of bankers' books. The Palace Officer will in such cases have to certify that all entries relating to the matter in controversy have been correctly copied

14

21. With regard to Class III, it is possible that some documents may be excluded as Matters of State under S. 123 of the Evidence Act. A fresh provi

sion may, if necessary, be introduced into the Act under that section, making it optional with the Palace Officer to produce or to decline to produce any papers called for. But to guard the interests of the parties properly certain restrictions have to be placed on the admissibility of such documents. Thus if all the papers called for by both parties are not produced, the ~~for~~ documents actually produced should ~~be~~ not be admitted without the consent of both parties, unless they are either answers or explanations of papers already on record. Perhaps papers called for by a party, but not put in evidence may be admissible against him: but the expediency of this exception is also doubtful.

15

22 The question, however whether any special provisions should be in

deserves serious Consideration. As far as I can make out, there is no appreciable disadvantage in the law as it stands at present, except the occasional inconvenience caused in searching for documents and in Complying with requisitions received from the Courts. Such exceptional legislation has to be resorted to only to meet cases of extreme difficulty. As the matter involves an amendment of the law of Evidence, we shall have to satisfy the Government of India of the necessity of fresh legislation. I would therefore humbly advise that any amendment of the law is not called for; & that the object sought i.e. "that the Palace Officer should be spared the worry of having-

16

11

Reg 235 (905-20)

to attend to vague and
volous requisitions for the
production of Palace docu-
ments in Civil Courts in s
to which the Palace is not
substantially
by at all", can be secured
under the provisions of the
law in force at present.

2) I append herewith a
draft of the amendments
which may be necessary
if it is considered expedient
to legislate for this purpose.

H. Manjundayya

26/1/10.

Leg 7/12 39/05.

(17

Enclosure
Draft Bill.

Whereas it is expedient to amend the Law of Evidence with respect to the accounts and other documents maintained by the Palace Department of H.H the Maharaja with reference to the affairs of the Palace, &c

1. The ~~provisions~~ following Section shall be inserted after S.77 of the Evidence Act (I of 1872)

"77 A.(1) The provisions of Sections 76 & 77 shall be applicable to all Accounts & other documents (except such as may be held to fall under the exception provided in S.123 A) in the custody of the Palace Officer* relating to the affairs of the Palace Department.#

* or Officer in charge of the Palace Affairs"

18

(2) In giving copies of entries of any books of account, the Palace Officer shall add a further certificate that the copy cor-

if required by the Judge of a Court in relation to a suit or other proceeding pending before such Court

tains a true extract of all the entries in the account books of the Palace, and that no other entries are to be found therein, relevant to the matters in issue in such suit or proceeding."

S.6. Bankers' books Regn'.

2. The following shall be inserted under S.123 of the said Act.

"123A.(1) When any party to a suit or other judicial proceeding calls for the production of accounts or other documents in the custody of the Palace Officer, or applies to him for certified copies thereof under the provisions of S.76 of this Act, the Palace Officer may, if he considers that it is inexpedient to produce such documents in Court or to give certified copies thereof, by endorsement in writing refuse to do so.

17

(2) Whenever the Palace Officer has declined to produce

or five certified copies of all the documents required by both parties to a suit or other proceeding, the other documents produced by him or certified copies of other documents of which he has ~~not~~ furnished certified copies, shall not be admitted in evidence against any of the parties who objects to them being so admitted

(3) The provisions of Subs. 1 of this Section shall not apply to a suit or other proceeding to which the Palace Officer is for his official capacity, himself a party."

20

26/1/10

G. R. S. 12]

General and Revenue Secretariat. | Leg File No. 35 of 1915-20

Serial No.

24) To be circulated to
per Consider
Add 2 Feb 20

25) Sub to Govt C
Cir Classification
4/2/20

26) Before any legislation is undertaken, it will be desirable to consult the Judges of the Chief Court
7/2/20

985
7.2.10

2

Demand

NOTE—Contn. sheet.

GPB—50,000—13-5-08

I agree with Consider Add 7 Mar

Asst Secy
Please consult

G. R. S. 12]
General and Revenue Secretariat.

Legi Confidential File No. 39 of 1909-10 of 190

Serial No.

U.O. J 143

Forwarded to the Registrar of the High Court for favor of obtaining the opinion of the Judges of that Court on the subject.

By Order.

11-3-10

For Secretary to Govt. Genl Revenue Depts.

No: 4281/246

39. A copy of Hon'ble Justice Krishna Rao's note is appended. The other Judges of the High Court concur in the view taken by him.

Registrar

2-4-10

Asst Registrar

2 4 10

Note—Contn. sheet.

GPB—50,000—13-5-08

Serial No.

Note

39 As to the amount of inconvenience experienced by the Palace Officers in complying with the requisitions issued by the Civil Courts, those Officers are, I think, in a better position to form an opinion than any person outside the palace can be. It is apparent from the repeated representations made by the said Officers on the subject, that the inconvenience suffered by them is considerable. If that be the case, it will not be possible, I fear, to remove that inconvenience to any appreciable extent by any orders and instructions which may be issued by the Chief Court. Special legislation alone can, in my opinion, produce the desired effect. It will not be possible however, to enable the Palace Authorities to entirely withhold the production of the palace papers and accounts, for to do so would be opposed to public policy. All that can be done is to place the said papers and accounts in the same position as Banker's books and to allow certified copies thereof to be furnished to parties and to be used in evidence. To such special legislation no objection can possibly exist and no objection is likely, in my opinion, to be raised by the Government of India.

2 3

39 It does not appear to me that any amendment of section 123 of the Evidence Act is necessary. If any of the papers in the Palace are considered to fall within the definition of the expression "affairs of State",

Serial No.

State", it will be quite open to the Palace Officers to claim the privilege afforded by that section and to refuse to produce them or ~~to~~ give ~~copies~~ certified -- copies of them to persons interested. In such a case, the law is clear that the Palace Officers and not the Judges are the proper persons to decide whether the - evidence sought to be placed before the Court should or should not be withheld in the public interests.

(Sd) P. S. Krishna Rao

24

Serial No. 33

Subd to 1st Cy

SB Balam Singh
6/4/10

Hby
6/4/10

34

1673
7.4.10.

Maybe further discussed at a meeting of the Council It seems to me that the suggestion of the Chief Court which is in effect the same as that made by the second Councillor, except the proposal to amend Sec 123 Indian Evidence Act, may be accepted

HH McMahon Esq
7/4/10.

35

3241
8.4.10

Dewan through 2nd Cy

Balam Singh
7/4/10

36

HH Mangan
11/4/10

Hby
7.4.10

5545
13.4

1037

Mr Pro

Dtt
12/4/10.

(D)

Asstt Secy III

Mr Bell

Note—Contn. sheet.

GPB—55,000—27.4.10

Dtt
11/11/10

Serial No.

38) Submitted with a draft Bill.

28/4/10 SN

39) Put up a typed copy as revised.

40) Put up the Gazette Copies containing the S.O.R. of Objects and Reasons on the Bankers Books Evidence Bill and the discussions thereon in the Supreme Leg. Council.

41) Why is a distinction made between a "Judge" and a "Court" in that Bill? Put up our file also on the Subject.

9/5/10. S. Srinivasan

42) Submitted.

42) A typed copy of the draft bill as revised is put up.

43) A copy of the statement of Objects and Reasons on the Bankers Books Evidence Bill and the discussions thereon in the Supreme Leg. Council is also put up (vide Flag 5)

44) As regards the distinction made between a "Judge" and a "court" in that Bill, no information is forthcoming to

NOTE—Contn. sheet.

GPB—55,000—27-4-09

Serial No.

be found in the file relating to the Mysore Bankers Books Evidence Regn. I of 1902. The file is herewith linked. The point ~~is~~ was raised by Mr H. V. Nanjundayya the then Secretary and Mr C. Srinivasa Iyengar the then 2nd Councillor has merely noted * against it that * the idea was to extend the provisions to cases of final appeal or revision, and that it required further consideration (Vide Office Notes typed cdr page 7). ~~The point does not seem to have been discussed~~ No further discussion on the point has been recorded.

Mag T.

SS
23/5/10 SN
23/5/10 26/5

The draft puts up follows closely our Bankers' Books Evidence Reg^n of 1902. I have not been able to find out why a distinction has been made between the meaning of a "Court" & a judge, though there was good reason for the distinction in the English Statute. I have therefore uniformly used only the word

NOTE—Contn. sheet.

GPB—55,000—27-4-09

Serial No.

Court which is sufficiently Comprehensive.

46 attention is invited to the last clause regarding Costs. I have not adopted the provisions making the Bank pay Costs, as perhaps they would be inappropriate in the case of the Palace Officials.

25/5/10 S. Montgomery

Lee 7

47 Clause 2 of the draft.

In the definition of Palace officer the words "appointed by the Lord of Mysore" may be replaced by the words "designated as such and appointed"

48 Clause 5 - It is to be feared that this provision permitting the inspection of palace records by private parties will be open to much objection on the part of the Palace Authorities & one of the main disadvantages of the present system under which original accounts are produced in court is that it affords an opportunity to persons unconnected with the Palace to go over the books

Serial No.

and peruse items which it is undesirable that they should see

49 To meet this objection ~~clause 5~~ ~~should only~~ the permission to parties to inspect the records should be ~~to~~ done away with & only the latter portion obliging the Palace Officer to give copies of all entries & to certify that no other entries are to be found, should be retained. And even as regards these some discretion should be ~~provided~~ left to the Palace Officer to refuse copies of any items which maybe of a confidential nature where such a refusal is made it will rest with the court to appraise the other evidence put before it at what it is worth judging by probabilities &c.

50 It is likely that requisition to ~~furnish~~ search the books & give copies of all items bearing on a particular matter may impose a large amount of labour on the Palace Offic & provision ~~should~~ may perhaps be made for the court awarding to the Palace Officer - by levy from the party -

NOTE—Contn. sheet.

GPB—55,000—27.4.09

Serial No.

of suitable searching fees.

SJ The omission of ~~part 4 sec 7 of the Bankers Books Regn about~~ the provision about order of costs against the Palace offices seems to be all right.

2 nov

Cossalan
3/6/10

SH
4/6/10.

SJ I shall discuss the draft with the Asstt Secy if he brings the file in I shall personally, along with all references. I am disposed to think that my draft is better suited.

H K Nwinde 5/6

4/6/10

SH
6/6/10.

The file was taken by Mr Nayar but it being not necessary to submit it to the Minister for orders. The file may be kept by the Secretary's Office for disposal.

Mr 12/7

Brennan 7/7/10

6/7/10

Resubd
SW
16.7.10

SJ If the matter is taken up at meeting, I shall be able to explain the reasons for preferring either form of the draft.

H K Nwinde 6/8/10

3.0

NOTE—Contra sheet.

GPB—55,000—27-4-09

9-8-10

9.8.10

Deborah

SH 9/8 Mr Nayar SH/8/10

G.R.S. 12]
General and Revenue Secretariat.

Leg File No. 85 of 1909-10

30

Serial No.	
	bring up at a Council Meeting
	55. Note for meeting circulated 5/8/10 a
	15/8/10
	16/8/10
	17.8.10

GPB—55,000—27-4-09

7942
17.9.10 Leg 735 dtd 5-10

Extract from the Proceedings of the 255th Meeting of the Council of His Highness the Maharaja, held at Bangalore on the 12th & 13th Sept 1910.

13. Subject. - (Clause ii of the Schedule).

A bill to amend the law of Evidence with respect to the Palace records.

OPINION OF THE COUNCIL.

It seems inexpedient to adopt special legislation on this subject, but if any such legislation is considered absolutely necessary either of the two alternative draft bills may be taken up and placed before the Legislative Council in due course.

Sd/. T. Ananda Rao,
Dewan of Mysore.

"Extract"

C S Balasundaramiyer
Offg: Secretary to Govt.

Enclosure
Draft A
A 32

A bill to amend the ~~Law of Evidence~~ Indian Evidence Act, 1872 in force in Mysore with respect to the Palace records.

WHEREAS it is expedient to amend the ~~Law of Evidence~~ Indian Evidence Act, 1872 in force in Mysore with respect to the accounts and other documents maintained by the Palace Establishments Department of His Highness the Maharaja relating with reference to the affairs of the Palace &c. His Highness the Maharaja is pleased as follows:-

1. The following Section shall be inserted after Section 77 of the Evidence Act (I of 1872):-

"77 A (1). The provisions of sections 76 and 77 shall be applicable to all accounts and other documents (except such as may be held to fall under the exception provided in Section 123 A) in the custody of the ~~Palace Officer~~ x, relating to the affairs of the Palace Department.

x Officer in charge of the Palace ~~affairs~~ Establishments. Mysore.

(2). In giving copies of entries of any books of account, the ~~Palace Officer~~ in charge of Palace Establishments, Mysore. shall if required by the Judge of a Court in relation to a suit or other proceeding pending before such Court, add a further

Reg 2-35/09 (33

certificate that the copy contains a true extract of all the entries, in the account books of the Palace, and that no other entries are to be found therein, relevant to the matters in issue in such suit or proceeding".

S.6. Bankers' Books Regulation.

2. The following shall be inserted under Section 123 of the said Act:-

"123 A (1). When any party to a suit or other judicial proceeding calls for the production of accounts or other documents in the custody of the ~~Palace~~ Officer, in charge of the Palace Establishment, Mysore or applies to him for certified copies thereof under the provisions of section 76 of this Act, the ~~Palace~~ Officer may, if he considers that it is inexpedient to produce such documents in Court or to give certified copies thereof by endorsement in writing, refuse to do so.

(2). Whenever the ~~Palace~~ Officer, in charge of the Palace Establishment, Mysore has declined to produce or give certified copies of all the documents required by both parties to a suit or other proceeding, the other documents produced by him or

34

29.9.10

Leg 7 39 709 [84]

certified copies of other documents of which he has furnished certified copies, shall not be admitted in evidence against any of the parties who objects to their being so admitted.

(3). The provisions of sub Section 1 of this section shall not apply to a suit or other proceeding to which the ~~Palace~~ Officer in charge of the Palace Establishments, Mysore is in his official capacity, himself a party".

1072

Rees
29.9.10

35

Leg 7 35 of 09 (85

Read

B

Introduced by H-H-

THE PALACE EVIDENCE ~~REGULATION~~

BILL.

A ~~Regulation~~ Bill to amend the Law of Evidence with respect to the Palace Records.

Whereas it is expedient to amend the Law of Evidence with respect to the Record of the Palace of His Highness the Maharaja of Mysore; His Highness the Maharaja is pleased to enact as follows:-

Title, extent and commencement.

1. (1). This Regulation may be called "The Palace Records Evidence Regulation, 19 "

(2). It extends to the whole of Mysore; and

(3). It shall come into force at once.

Definitions.

2. In this Regulation unless there is something repugnant in the subject or context.—

(1). "Palace Officer" means an officer appointed by the Government of Mysore to administer the affairs of the Palace of His Highness the Maharaja of Mysore.

(2). "Palace Records" means ~~record~~ accounts, books and other records

relating to the affairs of the Palace and in the custody of the Palace Officer.

(3). "Legal proceeding" means any proceeding or ~~any~~ enquiry in which evidence is or may be given and includes any ~~arbitration~~ arbitration.

(4). "The court" means the person or persons before whom a legal proceeding is held or taken.

~~(5). "Judge" means a judge of the Chief Court of Mysore.~~

(5). "Trial" means any hearing before the court at which evidence is taken.

and (6). Certified copy" means a copy of any entry in the Palace records together with a certificate written at the foot of such copy that it is a true copy of such entry, ~~and~~ that such entry is contained in a Palace record and was made in the usual and ordinary course of business and that such record is still in the custody of the Palace Officer, such certificate being dated and subscribed by the Palace Officer with his name and official title.

37

3. ~~(1)~~. Subject to the provisions of

Leg 7 35/05. (37)

of this Regulation, a certified copy of

Mode of proof of entries in the Palace Records

any entry in a Palace Record shall, in all legal proceedings, be received as prima facie evidence of the existence of such entry, and shall be admitted as evidence of the matters, transactions and accounts therein recorded in every case where, and to the same extent as, the original entry itself is now by law &&&&i admissible but not further or otherwise.

4. The Palace Officer shall not in any legal proceeding to which he is not a party in his official capacity be compel-

Case in which Palace Officer not compellable to produce books

lable to produce any Palace Record the contents of which can be proved under this Regulation, or to appear as a witness to prove the matters, transactions and accounts therein recorded, unless by order of the Court ~~or a Judge~~ made for special cause.

5. (1). On the application of any party to a legal proceeding, the court ~~a judge~~ may order that such part

leg 7 35 of 05 w 38

at liberty to inspect and take copies of any entries in ~~the~~ a Palace Record for any of the purposes of ~~any~~ such proceeding or may order the Palace Officer to prepare and produce, within a time to be specified in the order, certified copies of all such entries, accompanied by a further certificate that no other entries are to be found in Palace records ~~revelant~~ relevant to the matters in issue in such proceeding, and such further certificate shall be dated and subscribed in manner herein before directed in reference to certified copies.

Inspection of records by order of court or judge.

(2). An order under this or the preceding section may be made either with or without summoning the Palace Officer and shall be served on the Palace Officer three clear days (exclusive of authorised holidays) before the same is to be obeyed, unless the court ~~or judge~~ shall otherwise direct.

39

(3). The Palace Officer may, at any time before the time limited for obedience to any such order as aforesaid either offer to produce the Palace

leg + 39 g 05-10

(39

Records at the trial or give notice of his intention to show cause against such order and thereupon the same shall not be enforced without further order.

6. ~~(1).~~ The costs of any application to the court ~~or judge~~ a Costs. under or for the purposes of this Regulation, and the costs of anything done or to be done under ~~this~~ an order of the court ~~or a judge~~ made under or for the purposes of this Regulation, shall be in the discretion of the court ~~or judge~~.

~~(2) The~~ may further order by whom any such costs are to be paid to any party other than a taxed bill, if they have been incurred

40

Leg 7 35 of 09-a XC (4)

Submitted to His Highness.

557 (1) With reference to the Huzur Secretary's D.O. letter No.126 dated 28th August 1909 the subject of production of Palace Accounts and papers in Civil Courts at the instance of private parties was further considered by the Chief Court and by the Councillors.

P. (2) In his note dated 26th January 1910, the Second Councillor discusses at length the inexpediency of adopting special legislation to restrict the production of Palace documents in Civil Courts and goes on to suggest that if special legislation is required, it may take the shape of an amendment of the law of Evidence. This amendment proposes to treat the Palace Accounts as public documents of which certified copies may be admitted without proof under sections 76 and 77. It is also proposed to empower the Palace Officer to with-hold the production of any document or to refuse the grant of certified copies thereof under section 123. This draft of amendment of the Indian Evidence Act is marked A

4 f

A

Leg 735/09 (64)

-2-

(3) The Chief Court is of opinion that to withhold the production of the Palace papers and accounts in Civil Courts would be opposed to public policy. The Court is not in favour of any amendment of Section 123 of the Evidence Act. The Judges say that "all that can be done is to place the said papers and accounts in the same position as Bankers' books and to allow certified copies thereof to be furnished to parties and to be used in evidence. To such special legislation, no objection can possibly exist and no objection is likely to be raised by the Government of India".

(4) As suggested by the Chief Court, a draft bill on the lines of the Bankers' Books Act prepared by Mr. Hiriyannaiya was circulated to Councillors. It is marked B in the file.

(5) Both the drafts allow the proof of Palace records by the production of certified copies. The main difference is in the provision made in draft A for the Palace Officer to decline to furnish copies of documents in those cases in which he may consider it inexpedient to do so. This exemption is not contained in draft B which follows closely the Bankers' Books Evidence Regulation.

leg 2/3 5775 42

6) The Council considered the draft bills at a meeting. They are of opinion that it seems inexpedient to adopt special legislation, but that if any such legislation is considered absolutely necessary either of the two alternative Drafts A and B may be taken up and placed before the Legislative Council in due course. The Palace authorities may make the selection according to their convenience.

Q

leg

43

D. O. No. 7/1520 dated

PRIVATE SECRETARY MYSORE

The Palace.

Mysore. 29. 9. 10

My dear Sir.

In reference to the D.O. No. 1520 of 26. 9. 10, which I return herewith. His Highness desires me to say that the present state of affairs calls for remedy. And that if this cannot be obtained only by

fresh legislation because must
be has to. In the light of
this view, His Highness approves
of the draft Bill marked A
and he would be obliged if you
would kindly have the matter
put through now.

Yours sincerely
P Kaplan Mehta

1. Alexander Esq CB

Leg. 735/10

(45)

Record of Cases submitted for the Orders of His Highness the Maharaja

Subject.

A Bill to amend the Law of Evi - dence with respect to the production of Palace records in Civil Courts.

Order.

G. R. S. 12]
eneral and Revenue Secretariat.

Leg File No. 39 of 1909-10

Serial No.

61
S/P. Referring as it does to the affairs of the Palace, it is a matter for consideration whether the Bill need go before the Legislative Council, as it seems to fall within the provisions (cl. 9) of sub-section (2) of Section 12 of the Legislative Council Regn. there is a specific statement in the Council Resolution that the matter will be placed before the Legislative Council. If the matter is held to fall within the provisions referred to above, demi official Correspondence with the Residency will be unnecessary. ~~the~~ They may be approached straightaway for obtaining the sanction of the Govt. of India to the Bill in question.

Submitted for orders.

7/10/10 SW 7.10.10

62 The intended legislation refers to the accounts and papers kept by the Palace Office and does not seem to affect the members of the Royal family.

63 Please put up the usual drafts to the Resd and Sub-J objts & Reasons. Sd

64 Draft Sd 28/10/10 Sd Yes. Sd

Note—Contn. sheet.

GPB—55,000—27.4.09

G. R. S. 12]
eneral and Revenue Secretariat.

dis File No. 39 of 1905-10

(48)

Serial No.

the draft as revised today

14/11/10 SH

SH - Typed clean

SH

14/11/10.

15/11/10.

(1) The three drafts as revised may be approved.

(2) In the draft Bill 2 have ventured to make a few minor alterations of a purely formal character. They are indicated in pencil and may, if there be no objection be approved.

23/11/10 SH

45

858

Secretary to 2nd

GG H.V.R.

25/11/10

8928

26.11.10

67. The draft DO to the Residency

SH 26/11/10.

NOTE—Contn. sheet.

GPB—55,000—27-4-09

Serial No.

approved by the Diwan has been issued from the Diwan's office and the draft placed on file.

C&K(10)
3/12/10

S.O. 3/12/10

S.O. 6/12/10

S.O. 6/12/10

1 S.O. No 1672 S.O. dated 2/12/10
To the F.A. Resident.
Forwards a copy of the Bill to amend the Indian Evidence Act as in force in Mysore with respect to the records in the custody of the officer in charge of the Palace Estt, with a statement of objects and reasons.

2 S.O. No 7528 dated 12th Dec: 1910
From the F.A. Resident
States that the Resident sees no prima facie objection to the Bill being laid before the Legislative Council.

4 6) Submitted
14/12/10 (1) Subdo 2nd cr.
(2) This will be noted for the next meeting or if the Diwan

14/12/10

NOTE—Contn. sheet.

GPB—55,000—27-4-10

G.R.S. 12]
General and Revenue Secretariat.

Y&C File No. 89 of 1909-10

(4) (9)

Serial No.	
	Minutes, the Bill may be published in the Gazette. S Finlayson 14/12/10
	69. H K Warinyandy 16/12/10
1072	[illegible]

Copy [Please see below for paras 70 & 71] Gazette, meeting

PS I wish to see whether this is one of the matters excepted from the Powers of the Legislature.

H K Warinyandy

24/4/11

25/4/11

PS Personally I submit that the matter does not fall within the Excepted matters decided that

25/4/11. S Finlayson

G. R. S. 12]
General and Revenue Secretariat.

29 File No. 38 of 1911-12

Serial No.	
74	The Bill was published in the Gazette under Rule 32 of the Legislative Council Rules and was introduced & read before the Council at the meeting held on the 27th April 1911 when it was referred to a Select Committee for consideration. The Report of the Select Committee was considered at the meeting held on the 11th Sept 1911 when it was adopted by the Council which resolved to take up & pass the Bill at a subsequent meeting of the Council. The sanction of the Govt of India has now to be obtained to enable the Council to do so. Submitted with a draft letter to the Residency for approval.
	1125 (25) 20/10/11
	JW (11)
	75 Draft may be appd
	27/10/11
	2nd Dewan
76	Draft appd by 2nd Councillor 27.10.11
	26.10.11
77	Draft approved by the Dewan 30

NOTE—Contn. sheet.

GPB—50,000—12-8-10

G. R. S. 12]
General and Revenue Secretariat.

Légis File No. 39 of 1909-10

(45)

Serial No.

78. Issue

Chaloner

31/10/11

31/10/11

3 No 1 Pol 378 dated 2/11/11
to the F. A. Resident

Forwards 2 copies of the Bill as finally ~~passed~~ adopted by the Legis council for obtaining the sanction of the Govt of India for its being passed into law.

4 No 7298 dated 30/12/11
from the F. A. Resident

Conveys the sanction of the Govt of India for the Bill being passed into law with the usual reservation of power ~~confer~~ vested in the Governor General in council by virtue of the Article 19 of the Instrument of transfer

7 Submitted

(58) SN(11)
1/12/11 4/12/11 79

Note for meeting.

(Copy has gone Abroad)

2/12/11

NOTE—Contn. sheet.

GPB—55,000—27-4-09

G. R. S. 12]
General and Revenue Secretariat.

File No. of 19

(50

Serial No.

80 The Bill was passed finally by the Legislative Council at the meeting held on the 21st February 1912. The Sanction of His Highness the Maharaja has now to be obtained for its promulgation as law. Submitted with a Copy of the Bill as finally passed for the Dewan's signature being obtained thereto as required by Rule 52 of the Legislative Council Rules.

PKS (25)
24/2/12

26/2/12

15308
29.2.12

Dewan.

28/2/12

57

NOTE— Contn. sheet.

GPB—50,000—12-8-10

Reg 735 1909

51

Submitted to His Highness.

R

The Bill to amend the Law of Evidence with respect to the production of the Palace records in Civil Courts was finally passed by the Legislative Council at the meeting held on the 21st February 1912. His Highness' assent may be accorded for its promulgation as law

T Muncaster
5 Mar

Y

5

Legislative Dept 35 of 05 (82)

Record of Cases submitted for the Orders of His Highness the Maharaja

Subject.

A bill to amend the Law of Evidence with respect to the production of the Palace records in Civil Courts.

DATE 5.3.12 No. 13.

490.

Order.

83. ~~KRW~~ 8/3/12

84. Secy

85. III 11/3/12

86. 12/3/12 Put up draft order. (Assn. Legislative Dept. Bill has to be drawn)

Secy 12/3/12

12/3/12

G. R. S. 12]
General and Revenue Secretariat.

Leg. File No. 39 of 19 12

53

Serial No.	
87	Draft submitted for approval NKS 12/8/12 SN 88. 28 Sec [Send the file & the D.O. for obtaining the Dewan's Signature] S Srinivasa Iyengar 12/3/12
5	[No J 2725 dated 16th March 1912 to the Comptroller, Mysore Gazette Forwards the bill which received the assent of H.H. on 8/3/12 to be published as Regn III of 1912
89	Submitted This may now be sent to the Dewan's Office for obtaining the signature of the Dewan to the Bill as finally passed by the Legislative council and approved by H.H. the Maharaja. R (68) 20/3/12 File received back with the Bill signed by ~~signature~~ of the Dewan (68) 24/3/12 Submitted Spare copies of the Regn have been received from the Pressand

NOTE—Contn. sheet.

GPB—50,000—12-8-10

Serial No.

have been compared. Copies have to be sent to the Residency as usual and the usual draft is herewith put up

~~58~~ SN(11)
9/4/12 10/4/12

90. Sd/-

10/4/12

~~16~~ 16 2no Pol. 810 dated 15/4/12
to the F.A. Resident)
Forwards 10 copies of the Regulation (III of 1912) and requests him to forward one copy to H.H. the Nizam's Govt.

55

Legis 39 of 1909-10

D. O. No. 1672/Ex 2 Bangalore
2? December ~~November~~ 1910.

My dear Sir,

I enclose herewith a Bill to amend the Indian Evidence Act as in force in Mysore with respect to the records ~~of~~ in the custody of the officer in charge of the Palace Establishments, with a statement of objects and reasons explaining the nature and scope of the Bill. The necessity for the Bill has arisen from the fact that the existing law enables private parties to a suit or other judicial proceeding to summon the officer in charge of the Palace Establishments to produce papers and accounts relating to Palace affairs without regard to their nature or importance. Such indiscriminate requisitions have, of late years, considerably increased, and not infrequently they are vague and indefinite, with the result that the Palace Officer is put to a great deal

leg 7 35 1908 and subsequence (2)

of trouble in obeying the summonses issued by Courts . It was felt that Some action was called for and the matter was carefully considered by Government in consultation with the Chief Court with the view of devising some remedy, without having recourse to fresh legislation; but it was found that this was not possible. The present Bill has, therefore, been prepared with the object of dispensing with the necessity for the production in Court of the original records in the custody of the Palace Officer and enabling parties to file certified copies in their stead. If, in any particular case , the Palace Officer should be of opinion that, in consequence of the confidential nature of the original document or for other reasons , even certified copies should not be granted , he may refuse to do so; and in such cases , any other paper or certified copy of it

57

Leg J 35 705-10 (3)

it that might have been filed or offered as evidence in the case shall also be excluded as it is obviously undesirable that only a portion of the evidence bearing on the matter in dispute should be admitted. Such cases will however be few and the Palace officer will be instructed to facilitate the administration of justice by complying, as far as possible, with the requests of litigants in the matter of obtaining access through Court to papers that may be really useful to them. But it is necessary that parties should not be allowed to abuse this privilege and it is to meet such cases that the Bill has been framed.

In conclusion I am to intimate that the Bill will be placed before the Legislative Council in due course.

I am,

Yours sincerely

(Sd) [illegible]

To The Hon'ble Col Daly C.S.I., C.I.E

Fair draft of the Bill

Enclosure to Ly # 35 dtd 1903

4

A Bill to amend the Indian Evidence Act as in force in Mysore,

~~with respect to the Palace records~~

- - - - - - - - - - - - - - - -

WHEREAS it is ~~xxxxxxxxxx~~ expedient to amend the Indian Evidence Act as in force in Mysore with respect to the accounts and other documents and maintained by the Officer in charge of the Palace Establishments of His Highness the Maharajah of Mysore relating to the affairs of the Palace;

Subject to approval

57

Subject to approval

His Highness the Maharajah is pleased to enact as follows:-

1. The following section shall be inserted after Section 77 of the Indian Evidence Act (I of 1872) as in force in Mys. viz:—

" 77 A (1). The provisions of sections 76 and 77 shall be applicable to all accounts and other documents (except such as may be held to fall under the exception provided in Section 123 A) in the custody of the

~~the~~

Leg 7 35 79

the officer in charge of the Palace Establishments , Mysore relating to the affairs of the Palace Department.

(2) In giving copies of entries of any books of account, the officer in charge of the Palace Establishments , Mysore shall if required by the Judge of a Court in relation to a suit or other proceeding pending before such Court, add a further certificate that the copy contains a true extract of all the entries in the account books of the Palace , and that no other entries are to be found therein, relevant to the matters in issue in such suit or proceeding"

S.6 Bankers' Books Regulation.

2. The following shall be inserted under Section 123 of the said Act:—

Subject to approval

" 123 A.(1) When any party to a suit or other judicial proceeding calls for the production of accounts or other documents in the custody of the officer in charge of

Reg 7 85 909 (6)

of the Palace Establishments, Mysore or applies to him for certified copies thereof under the provisions of section 76 of ~~the~~ this Act, the said officer may, if he considers that it is inexpedient to produce such documents in Court or to give certified copies thereof, by endorsement in writing, refuses to do so.

(2) Whenever the Officer in charge of the Palace Establishments Mysore has declined to produce or give certified copies of all the documents required by both parties to a suit or other proceeding, the other documents produced by him or certified copies of other documents of which he has furnished certified copies, shall not be admitted in evidence against any of the parties who objects to their being so admitted.

(3) The provisions of Sub Section 1 of this Section shall not apply to a suit or other proceeding

to

Leg I 55 705 (7)

to which the Officer in charge of

the Palace Establishments, Mysore,

is, in his official capacity, himself

a party"

dep 7 39 gpg

(8

Statement of objects
and reasons.

It has been brought to the notice of Government that considerable inconvenience is at present experienced by the Officer in charge of the Palace Establishments , Mysore, in his having to attend to requisitions of civil Courts for the production in Court, at the instance of private parties , of accounts and other documents connected with the affairs of the Palace. Under the existing law, the production of these papers cannot be refused by the Palace officer; nor are ~~the~~ Are certified copies of these ordinarily admissible in Evidence. Requisitions by Courts for such papers have very largely increased of late years and as, not infrequently, they are vague and indefinite, the officer in charge of the Palace Establishments is put to a great of deal of trouble and inconvenience. With the view, therefore,

63

Leg 7 85 97 (9

therefore, of minimising this inconvenience , while affording all reasonable facilities to private parties desiring the production of Palace papers in Courts, it has been considered desirable to amend the law of evidence so as to allow certified copies of these documents being admitted in evidence . It is found necessary to empower the Palace officer to withhold the production of these documents or to refuse the grant of certified copies considering the nature of the documents sought to be produced, he deems it undesirable that they should be made available to the public. In such cases, the interests of private parties are specially safeguarded by providing that whenever the officer in charge of the Palace Establishments , Mysore, has declined to produce, or give certified copies of all the documents required by both parties to a suit

Reg L 35 1909

(10

suit or other proceeding , the other documents produced by him or certified copies of other documents of which he has furnished certified copies shall not be admitted in Evidence against any of the parties who objects to their being so admitted.

Legis 39 of 1910

D.O.No. 1866

No. 7528.

THE RESIDENT MYSORE

BANGALORE.

Pol: 966

12th December 1910.

Dear Sir

I am desired to acknowledge, with thanks, the receipt of your D.O. letter No.1672, dated the 2nd December 1910, forwarding a copy of a Bill to amend the Indian Evidence Act, 1872 (I of 1872) as in force in the Mysore State, and, in reply, to state that the Resident sees no prima facie objection to the Bill being laid before the Legislative Council.

Yours Sincerely

First Asst. Resident.

T. Ananda Row, Esq., C.I.E.,

Dewan of Mysore.

K.M.
10.12.10.

G.R.S. 26]

File No. 39-14

Serial No. 43

Diary No. of letter replied to

General and Revenue Secretariat

( )

, the *19* .

Date of issue 2-11-14.

Signed by

To

The Asst. to the Resident in Mysore

Bangalore

Sir,

I am directed to forward herewith a Bill further to amend the Indian Evidence Act as in force in Mysore and to state as follows.

2. The Palace of His Highness the Maharaja has extensive dealings with various private persons as contractors and

over.

SUBJECT.

the wage, and book accounts
and other records regularly
kept in connection with such
transactions. ~~But in various~~
~~suits to which~~ But in various
suits to which some of these Con-
tractors happen to be parties
and with which the Palace
~~Departments~~ is not concerned
the Palace Office is often ~~called~~ required
~~to produce~~ in charge of the Palace Establishments
to produce his accounts and
~~their~~ papers in his charge as
evidence ~~to show~~ or possibly
~~their depositions are~~ reported
supplied with; but it is ~~stated~~ that
~~they cause~~ a great deal of
trouble and inconvenience to their is caused
Office as the demands are often
on account of the vagueness of
the demand ~~sometimes~~ requisition and some-
times on account of the Call for
Official books which are often
required for reference in the
Palace Office. ~~There~~ It is also sometimes
found that ~~papers~~ papers are called for

List of enclosures,

Copied by

Examined by

GPB—20,000—25-9-10

GENERAL AND REVENUE SECRETARIAT.

(*Continuation Sheet draft form.*)

Legislative Department (14

~~Legislation~~ which contain entries not relevant to suits and when it ~~would not be~~ expedient to disclose to parties having no concern with the matter recorded. As the law now stands the production of these papers cannot be refused by the Police upon which are entered Copies of these admissible in evidence with the view thereby of obtaining this information which affording all reasonable facilities to private parties desiring the production of palace papers in Courts it has been considered desirable to amend the law of ~~evidence~~ so as to allow Certified Copies of these documents being admitted in evidence. The first clause of the Bill accordingly proposes to extend the provisions of Section 76 & 77 of the Indian Evidence Act to the documents in question.

6-8

GPB—10,000—22-2-11

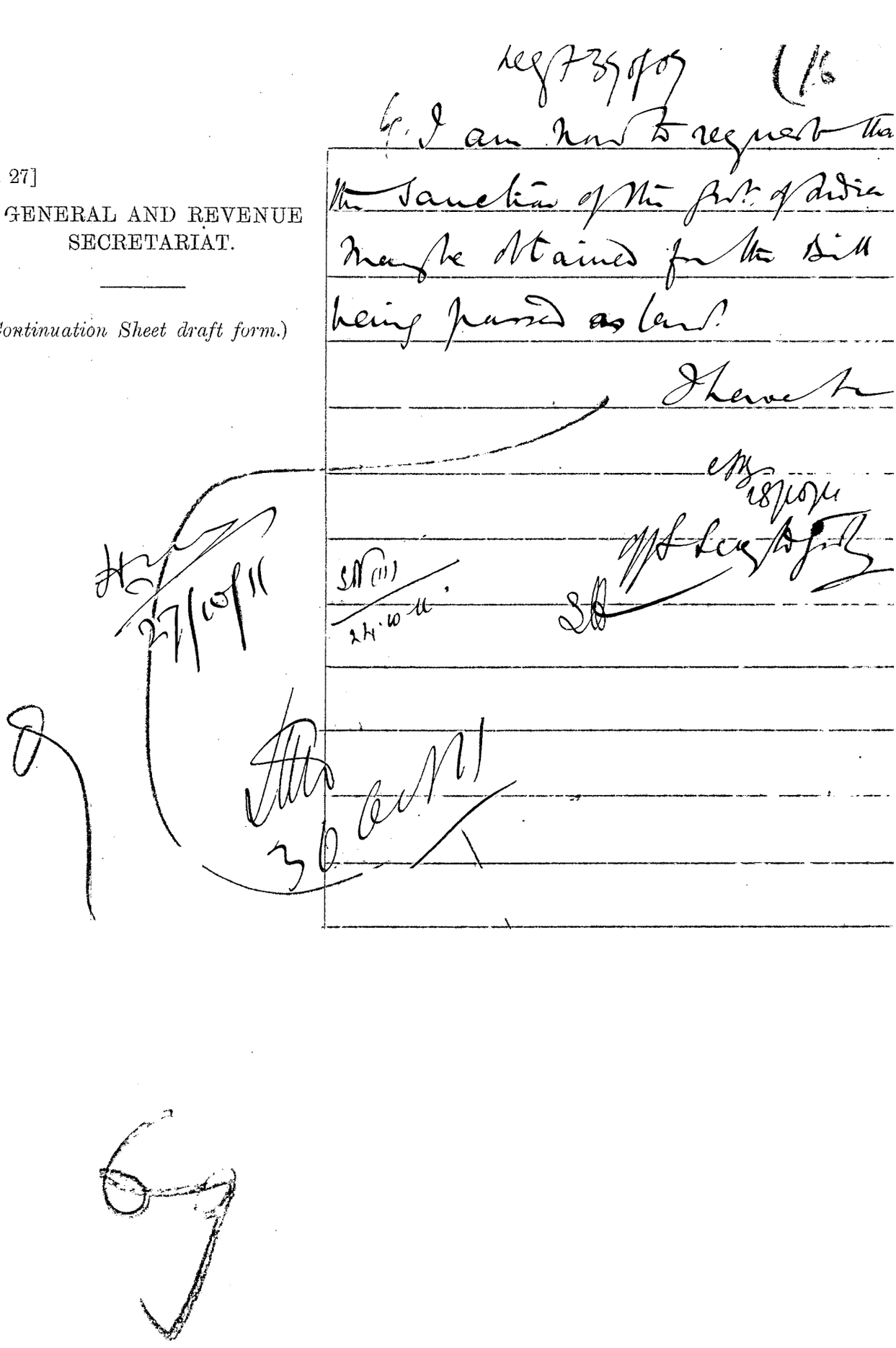
The other Clause of the Bill empowers the Taluka officer to withhold the production of these documents or to refuse the grant of certified copies, if considering the nature of the documents sought to be produced he deems it undesirable that they should be made available to the public. In such Case the interests of the private parties are protected by hearing them, in the Talaka Court. The other documents produced by them or certified copies of these documents shall not be admitted in evidence against any of the parties who gives to their being so admitted.

The Bill was considered by the Legislative Council at the meetings held on the 29th April 1911 and 11th September 1911 and was approved by the Select Committee of that body and by the full Council.

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation Sheet draft form.*)



GPB—10,000—22-2-11

The Mysore Gazette.

Vol. 46.] PUBLISHED BY AUTHORITY. [No. 1.

BANGALORE, THURSDAY, JANUARY 5, 1911.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. 260—*L. C. Enc.* 1, *dated* 21*st December* 1910.

Under Rule 32 of the Rules for the Conduct of Business of the Mysore Legislative Council, the following Bill to amend the Indian Evidence Act (I of 1872) as in force in Mysore is published for general information, with a statement of objects and reasons.

By Order,
S. HIRIYANNAIYA,
Secretary, Mysore Legislative Council.

A Bill to amend the Indian Evidence Act as in force in Mysore.

Whereas it is expedient to amend the Indian Evidence Act as in force in Mysore with respect to the accounts and other documents relating to the affairs of the Palace and maintained by the Officer in charge of the Palace Establishments of His Highness the Maharaja of Mysore; His Highness the Maharaja is pleased to enact as follows:—

1. The following section shall be inserted after Section 77 of the Indian Evidence Act (I of 1872) as in force in Mysore, *viz.*,—

"77 A. (1) The provisions of Sections 76 and 77 shall be applicable to all accounts and other documents (except such as may be held to fall under the exception provided in Section 123 A) in the custody of the Officer in charge of the Palace Establishments, Mysore, relating to the affairs of the Palace Department.

(2) In giving copies of entries of any books of account, the Officer in charge of the Palace Establishments, Mysore, shall, if required by the Judge of a Court in relation to a suit or other proceeding pending before such Court, add a further certificate that the copy contains a true extract of all the entries in the account books of the Palace, and that no other entries are to be found therein, relevant to the matters in issue in such suit or proceeding."

2. The following shall be inserted under Section 123 of the said Act, *viz.*:—

"123 A (1) When any party to a suit or other judicial proceeding calls for the production of accounts or other documents in the custody of the Officer in charge of the Palace Establishments, Mysore, or applies to him for certified copies thereof under the provisions of Section 76 of this Act, the said officer may, if he considers that it is inexpedient to produce such documents in Court or to give certified copies thereof, by endorsement in writing, refuse to do so.

(2) Whenever the Officer in charge of the Palace Establishments, Mysore, has declined to produce or give certified copies of all the documents required by both parties to a suit or other proceeding, the other documents produced by him or certified copies of other documents of which he has furnished certified copies, shall not be admitted in evidence against any of the parties who objects to their being so admitted.

(3) The provisions of Sub-section 1 of this section shall not apply to a suit or other proceeding to which the Officer in charge of the Palace Establishments, Mysore, is, in his official capacity, himself a party."

STATEMENT OF OBJECTS AND REASONS.

It has been brought to the notice of Government that considerable inconvenience is at present experienced by the Officer in charge of the Palace Establishments, Mysore, in his having to attend to requisitions of civil courts for the production in court, at the instance of private parties, of accounts and other documents connected with the affairs of the Palace. Under the existing law, the production of these papers cannot be refused by the Palace Officer; nor are certified copies of these ordinarily admissible in evidence. Requisitions by courts for such papers have very largely increased of late years and as, not infrequently, they are vague and indefinite, the Officer in charge of the Palace Establishments is put to a great deal of trouble and inconvenience. With the view, therefore, of minimising this inconvenience, while affording all reasonable facilities to private parties desiring the production of Palace papers in courts, it has been considered desirable to amend the law of evidence so as to allow certified copies of these documents being admitted in evidence. It is found necessary to empower the Palace Officer to withhold the production of these documents or to refuse the grant of certified copies if, considering the nature of the documents sought to be produced, he deems it undesirable that they should be made available to the public. In such cases, the interests of private parties are specially safeguarded by providing that whenever the Officer in charge of the Palace Establishments, Mysore, has declined to produce, or give certified copies of all the documents required by both parties to a suit or other proceeding, the other documents produced by him or certified copies of other documents of which he has furnished certified copies shall not be admitted in evidence against any of the parties who objects to their being so admitted.

Pol 930
1-12-11

No. 7298

DIARY NO. 12J1493

1911-1912
SECTION Legis
FILE NO. 39-09
SERIAL NO. 4

30-11-11

FROM

P. B. WARBURTON, ESQ., I. C. S.,
FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

To

The Dewan of Mysore.

Dated Bangalore, 30th November 1911.

SIR,

I am directed to acknowledge the receipt of Mr. Balasundaram Iyer's letter No. 378 Pol., dated the 2nd November 1911, forwarding for the sanction of the Government of India a draft Bill which the Durbar propose to enact to amend the Indian Evidence Act. 1872 (I of 1872).

2. In reply, I am to say that the Governor General in Council has been pleased to accord his consent to the draft Bill on the understanding that he retains over it the power and authority which vests in him by virtue of Article 19 of the Instrument of Transfer.

I have the honour to be,

Sir,

Your most obedient servant,

For First Assistant Resident.

R. O. 2.—E. P. B.—8-1911.—3,000.

G.R.S. 28.]

Legis File No. 39-09
Serial No. 5

Diary No. of letter replied to

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.
( )

~~READ~~

, *the* 19

Date of issue 16-3-12

Signed by

ORDER ~~THEREON~~.—No. J 2725/Legis 39-09 Encl 1

That the accompanying Bill to amend the Indian Succession Act as in force in Mysore which received the assent of His Highness the Maharaja on the 8th day

over

SUBJECT.

GPB—10,000—19-4-10

of March 1912 be published for
general information as Regulation
No. III of 1912.

S No III
12/3/12

Secy Legislative Dept

To The Compiler, Mysore Gazette, for
publication of the Regulation
in the Gazette in English and
Canarese & for supplying Canarese
30 copies in English & 20 copies
copies to this office and 20
copies each to the Canarese, Govt
Book Depot, for sale.

Canarese translation will
follow. Proof should be sent
for correction

WD

G.R.S. 26]

Legis File No. 39-09

Serial No. 5

Diary No. of letter replied to

General and Revenue Secretariat

( )

, *the* 19 .

Date of issue 15-4-12

Signed by

Mr. M.S. Balasundaramiyer

Letter Pol. No. 870 of 11th Dec. 1911 from the Hon'ble Mr. J. Kempfield Officer Dy. Sec.

To

The J. A. Resident in Mysore, Bangalore

Sir

I am directed to forward herewith a copy of Regulation No. III of 1912, a Regulation to amend the Indian Evidence Act as in force in Mysore, with 9 spare copies, and to request that a copy may, as usual, be forwarded to the His Highness the Nizam's Govt.

I have &c.

for Secretary to Govt.

SUBJECT.

SW(11) 15/4/12

9/4/12

REGULATION No. III OF 1912.

(RECEIVED THE ASSENT OF HIS HIGHNESS THE MAHARAJA ON THE 8TH DAY OF MARCH 1912.)

A Regulation to amend the Indian Evidence Act as in force in Mysore.

Whereas it is expedient to amend the Indian Evidence Act as in force in Mysore with respect to the accounts and other documents relating to the affairs of the Palace and maintained by the Officer in charge of the Palace Establishments of His Highness the Maharaja of Mysore; His Highness the Maharaja is pleased to enact as follows:—

1. The following section shall be inserted after Section 77 of the Indian Evidence Act (I of 1872) as in force in Mysore, *viz.*—

"77 A. (1) The provisions of Sections 76 and 77 shall be applicable to all accounts and other documents (except such as may be held to fall under the exception provided in Section 123 A) in the custody of the Officer in charge of the Palace Establishments, Mysore, relating to the affairs of the Palace Department.

(2) In giving copies of entries of any books of account, the Officer in charge of the Palace Establishments, Mysore, shall, if required by the Judge of a Court in relation to a suit or other proceeding pending before such Court, add a further certificate that the copy contains a true extract of all the entries in the account books of the Palace, and that no other entries are to be found therein, relevant to the matters in issue in such suit or proceeding."

2. The following shall be inserted under Section 123 of the said Act, *viz.*—

"123 A. (1) When any party to a suit or other judicial proceeding calls for the production of accounts or other documents in the custody of the Officer in charge of the Palace Establishments, Mysore, or applies to him for certified copies thereof under the provisions of Section 76 of this Act, the said officer may, if he considers that it is inexpedient to produce such documents in Court or to give certified copies thereof, by endorsement in writing, refuse to do so.

(2) Whenever the Officer in charge of the Palace Establishments, Mysore, has declined to produce or give certified copies of all the documents required by both parties to a suit or other proceeding, the other documents produced by him or certified copies of other documents of which he has furnished certified copies, shall not be admitted in evidence against any of the parties who objects to their being so admitted.

(3) The provisions of sub-section (1) of this section shall not apply to a suit or other proceeding to which the Officer in charge of the Palace Establishments, Mysore, is, in his official capacity, himself a party."

T. ANANDA ROW,
Dewan.